

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mason et al.

Group Art Unit: 2616

Serial No.: 09/627,253

Examiner: Nguyen, Toan D.

Filed: July 28, 2000

Docket No.: 1322/40/2

Confirmation No.: 2388

For: PRESENCE REGISTRATION AND ROUTING NODE

PETITION UNDER 37 C.F.R. § 1.181(a) TO WITHDRAW HOLDING OF
ABANDONMENT

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition the Commissioner to withdraw the holding of abandonment for the above-referenced patent application.

Applicants received a notice of abandonment dated November 12, 2008 indicating that the subject application was abandoned because Applicants failed to reply to an Office Action mailed on April 4, 2008. A copy of the notice of abandonment is attached hereto.

Applicants filed a notice of appeal along with a petition for a 2-month extension of time on September 4, 2008. Copies of the notice of appeal and the electronic acknowledgement receipt with a receipt date of September 4, 2008 are attached hereto.

The notice of appeal was filed within the 6-month time period for response to the office action dated April 4, 2008. Under 37 C.F.R. § 1.113, appeal of the rejection of all the claims is a proper reply to a final office action. Applicants intend to file an appeal brief within the extendable time period for filing an appeal brief under 37 C.F.R. § 41.37(a) and (e). Because the notice of appeal was timely filed and the time period for filing the appeal brief has not expired, withdrawal of the holding of abandonment is requested.


Although no fee is believed to be due, the Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

Date November 20, 2008

By:



Gregory A. Hunt
Registration No. 41,085
Customer No. 25297

1322/40/2 GAH/sda

Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/627,253

07/28/2000

John R. Mason

1322/40/2

2388

25297

7590

11/12/2008

JENKINS, WILSON, TAYLOR & HUNT, P. A.

Suite 1200 UNIVERSITY TOWER

3100 TOWER BLVD.,

DURHAM, NC 27707

EXAMINER

NGUYEN, TOAN D

ART UNIT

PAPER NUMBER

2416

MAIL DATE

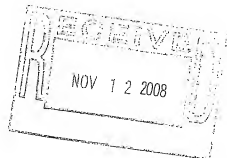
DELIVERY MODE

11/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



11/12/2009
GAT
1322/40/2
CAB
11/12/08

Notice of Abandonment**Application No.**

09/627,253

Examiner

TOAN D. NGUYEN

Applicant(s)

MASON ET AL.

Art Unit

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 04 April 2008.

(a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

(b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

(c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

(d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

(a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

(b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.

(c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

(a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

(b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☒ The reason(s) below:

Called the attorney (11/05/08) but there was no response.

/FIRMIN BACKER/
Supervisory Patent Examiner, Art Unit 2416


/T. D. N./
Examiner, Art Unit 2416

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

COPY

Approved for use through 06/30/2008. CMB 05551-0031
 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 1322/40/2
I hereby certify that this correspondence is being deposited with the United States Patent and Trademark Office via e-filing system on September 4, 2008.	In re Application of Mason et al.	
Signature <u></u>	Application Number 09/627,253	Filed 07/28/2008
Typed or printed name <u>Shaylor D. Anderson</u>	For PRESENCE REGISTRATION AND ROUTING NODE	
	Art Unit 2616	Examiner Toan D. Nguyen
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.		
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ <u>510.00</u> (previously paid)		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____		
<input type="checkbox"/> A check in the amount of the fee is enclosed.		
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.		
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0426</u> . I have enclosed a duplicate copy of this sheet.		
<input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.		
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
I am the		
<input type="checkbox"/> applicant/inventor.		
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/95)		
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>41,085</u>		
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____		
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.		
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.		

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Electronic Acknowledgement Receipt

EFS ID:	3888212
Application Number:	09627253
International Application Number:	
Confirmation Number:	2388
Title of Invention:	Presence registration and routing node
First Named Inventor/Applicant Name:	John R. Mason
Customer Number:	25297
Filer:	Gregory A. Hunt/Shaylor Anderson
Filer Authorized By:	Gregory A. Hunt
Attorney Docket Number:	1322/40/2
Receipt Date:	04-SEP-2008
Filing Date:	28-JUL-2000
Time Stamp:	15:19:13
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		1322_40_2_NoticeofAppeal_ID S12.pdf	3731558 <small>9616221035f131e7db5643fb19edna1f3cf 176</small>	yes	72

Multipart Description/PDF files in .zip description		
Document Description	Start	End
Miscellaneous Incoming Letter	1	1
Notice of Appeal Filed	2	2
Information Disclosure Statement Letter	3	4
Information Disclosure Statement (IDS) Filed (SB/08)	5	6
NPL Documents	7	11
NPL Documents	12	29
NPL Documents	30	36
NPL Documents	37	37
NPL Documents	38	50
NPL Documents	51	57
NPL Documents	58	66
NPL Documents	67	72
Warnings:		
Information:		
Total Files Size (in bytes):		3731558

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.